Adjournment Motion re:

Transfer of Municipal trunk roads.

President.—I have received three adjournment motions. The first I had occasion to read before I came to the House. The other two were put into my hands after I came here. I must take my time to consider the latter ones. I shall take them up to-morrow. With regard to these I have to consider the matter. About the adjournment motion standing in the name of Mr. P. Krishna Menon, what I wish to say is, the trunk roads were transferred; the intention of the Government was made known even at the time of the budget, and provision was made for that purpose; a sum of Rs. 25,000 was provided.

Dr. A. R. Menon.—I addressed an inquiry to the Chief Engineer then and there, during the Budget Session, whether he was going to transfer the roads without the sanction of the Municipalities concerned, and I was given the assurance that they will negotiate and nothing final has been decided.

President.—I am just considering Mr. Krishna Menon's motion. Both the motions are the same, I think. "The Proceedings of the Diwan published at page 200 of the Cochin Government Gazette, dated 12-6-05, deciding to resume from the Municipalities the trunk roads and handing over the same to the P. W. D. without consulting the Municipalities concerned". I shall hear you, Dr. A. R. Menon.

Dr. A. R. Menon.—It is a matter of public importance, because it affects almost all the roads within the Municipal area, and Government intends taking these roads from another legally constituted and recognised authority. It is a legitimate function of all Municipalities to maintain roads within the Municipal boundary, and nowhere in the world such a system as proposed by this Government does exist. Being a novel procedure, we would like to know the view of the Government,—I don't wish to bring an adverse motion—what they propose to do, what amount of money is expected to be taken from the Municipality, whether the rights and privileges enjoyed by the Municipalities will be interfered with by the D. P. W. I shall be able to show to the Government that it is physically impossible to carry on the Municipal administration under this system. If the Government can give us a reasonable explanation how that can be done, I shall withdraw the motion. It is only giving a chance to the Government to discuss the motion.

President.—All that I want to point out is this: the intention of the Government was expressed during the Budget Session, and you remember a sum of Rs. 25,000 for tha purpose was provided in the budget. So far as I remember, there was no cut motion to be discussed in regard to that.

Dr. A. R. Menon.—I put a question asking the Chief Engineer, with reference to the transfer of these roads, what the

LIBRARY ARCHIVES Kerala Legislative Assembly

intention of the Government is, and whether they have consulted the Municipalities concerned. I am not repeating the exact words. The assurance was given that it was only under contemplation, and that it would not be taken up without consulting the Municipalities concerned.

President.—That consultation was with regard to which particular road should be taken up.

Dr. A. R. Menon.—Knowing that the principle differs, I will be able to convince the Government that they will not be able to carry on this work.

Mr. V. K. Aravindaksha Menon.—If I may correct you, I may say that I had correspondence with all the four Municipal Chairmen, and they generally agreed to the transfer of these roads.

Dr. A. R. Menon.—The Chairman has no such authority. Government must come to the constituted authority of the Municipal Council. The Chairman may say so for the exigencies of selection. They are incompetent sometimes, men who do not understand their responsibility sometimes.

Mr. V. K. Aravindaksha Menon.—We are not to speak behind the Chairman. (*Hear, hear.*)

Dr. A. R. Menon.—The Chairman has no such authority. It is the Municipal Council.

President.—I do not think you are right in speaking when the President has anything to say. Whenever the Chair wants to speak, the Chair must be given that right. (*Hear, hear.*) The Member ought to have sat down. I think that is a wholesome rule, and I hope it will be followed. Now, I am only considering the admissibility of this motion. Certain conditions have to be satisfied, *viz.*, whether it relates to a definite matter of urgent public importance, and according to the rulings passed in connection with this section, they will show that it must relate to a matter of recent grave occurrence. There must be that recentness about it, and suppose something happened a year ago, and you want to bring it here. The President will say it does not refer to a recent matter, so that it cannot properly form the subject-matter of an adjournment motion. It is only for that purpose that I put this question. I referred to the Budget Session when the intention of the Government was clearly expressed, and a certain amount was provided.

Dr. A. R. Menon.—If the Proceedings were published, I shall be able to show,.....

President.—After the Finance Member spoke I said a few words. You will find a reference to the trunk roads. The intention has been clearly expressed on the part of the Government to resume a portion of the trunk roads, and they said that Municipalities were not maintaining these roads properly, and have been criticised. They said that the Government was wrong in reflecting

LIBRARY ARCHIVES Kerala Legislative Assembly

upon the conduct of the Municipal Administration. There was no foundation for the statement that the trunk roads were badly kept. It was criticised like that, and I know that a strong objection came from the Trichur Municipality. No other Municipality raised such an objection. The Trichur Municipality said that they wanted to consider the question, and then only they could give a definite answer. So I think the matter was before the Council itself.

Dr. A. R. Menon.—No, Sir, it was not before the Council.

President.—This is my memory of the facts.

Mr. V. K. Aravindaksha Menon.—They wanted to be consulted. Similarly the Mattancheri Municipality also said, and the Chittur Municipal Chairman wanted some more roads to be taken by us.

President.—What I wanted to say was, I am only considering the question of emergency, whether it is a matter of recent occurrence. Six months ago this intention was notified, and a provision was made in the budget.

Dr. A. R. Menon.—It is a matter of recent occurrence. It was published in the Gazette only 2 weeks ago.

President.—The Proceedings was passed. This is what I said. "A sum of Rs. 25,000 has been provided by way of contribution to the 4 Municipalities in addition to the contribution of Rs. 2,050 to Trichur, and the Government proposed to utilise this amount for the maintenance of the trunk roads in the Municipal towns which, I consider, would be a great relief to these Municipalities".

Mr. K. P. Kannan Nayar.—There is no question of resumption there.

President.—Government proposed to utilise this amount for the maintenance of the trunk roads. "Without casting any reflection upon the good intentions of the Municipal authorities to keep their trunk roads in order, it has to be noted with regret that the town roads, especially in Trichur and Ernakulam, are not in a satisfactory condition, and the question of want of funds has invariably been pleaded as an excuse for this undesirable state of things. The moment we pass from the D. P. W. roads to the Municipal roads, the difference is keenly felt, and the Government have considered it proper to maintain these trunk roads within the Municipal areas at Government cost and relieve the Municipalities of the great burden now resting on their shoulders. As to what these trunk roads are will soon be settled in consultation with the Chairmen of the respective Municipalities". These are my observations on the occasion of the budget.

Dr. A. R. Menon.—So far as the Trichur Municipality is concerned, we never complained of lack of funds. We contend that the interference on the part of the Government in cutting down our estimate was responsible for this. We are powerless. The Government are interfering with our budget estimates. We have got Rs. 40,000 for these roads. That is the position. The matter is urgent because this was published in the Gazette only two weeks ago. It does not require any explanation from me

LIBRARY ARCHIVES Kerala Legislative Assembly

whether it is a matter of recent occurrence. I request the Chair to give his consent to move the adjournment motion.

Dr. A. G. Menon.—On a point of information. Does the President's speech mean that they would take away the management?

President.—The Government would maintain these roads.

Dr. A. G. Menon.—The President's opening sentence says "to give contribution to the Municipality".

President.—With that amount the Government would maintain the trunk roads. So much has the Government proposed to take. There is no doubt upon these points.

Dr. A. R. Menon.—To my knowledge no contribution was given for road maintenance.

President.—A sum of Rs. 25,000 was given by way of contribution to the 4 Municipalities for the maintenance of trunk roads in the Municipal Towns.

Dr. A. G. Menon.—The word 'contribution' itself shows that it is to be given to the Municipalities. In the British parts and in Palghat Government gives a contribution to the Municipalities. They have to keep up the standard of the roads. They compel us to contribute a certain amount from the Municipal funds and get a portion from the Government.

President.—If this is wrong in principle, and if the Government is satisfied that this is a procedure opposed to all principles of civilised nations, they will correct it.

Dr. A. R. Menon.—It is for that purpose that I brought it to your notice.

President.—We shall maintain these roads, this is a continuous road, we will take it up and keep it in good order, the Municipality will not be able to do it,—the Government were moved by such considerations. If this is an infringement of the fundamental rights of the Municipality, Government will withdraw from this.

Dr. A. R. Menon.—It is impracticable also.

President.—Because we have taken a particular road we are not going to stick to it, irrespective of the fact that we are convinced that it is wrong.

Mr. A. B. Salem.—I wish to know where you transferred that Rs. 25,000 from? From the Sanitation budget Rs. 25,000 was transferred to the trunk roads. I wish to know how you did that.

President.—The budget provision of Rs. 25,000 is there.

Mr. A. B. Salem.—I don't see any budget provision of Rs. 25,0.0.

President.—It will be there. Otherwise I would not have made the statement.

Dr. A. G. Menon.—Generally in British parts these roads are supervised and annual reports are sent to the D. P. W., and the Government incorporate them, and if they find that the roads

LIBRARY ARCHIVES Kerala Legislative Assembly

are not in proper order, they ask the Municipality to repair those roads from the Municipal funds. This is done in the case of the main trunk road from Bangalore to Mysore. They give a liberal contribution.

President.—The objection is that the Government is taking up the matter. Instead of the Government doing it by itself, the Municipality must do it with the funds supplied by the Government. There is no objection to receive a contribution from the Government. The Municipality will only be too glad.

Dr. A. G. Menon.—The whole amount must be utilised for that specific road.

President.—Roads for all practical purposes belong to the Municipality. Why should the Government come and interfere?

Mr. Thomas Manjuran.—Why not give a chance for discussion?

President.—You could have come earlier.

Mr. Thomas Manjuran.—True; but this is a living question.

Dr. A. R. Menon.—You published it only two weeks ago in the Gazette. Then only a definite shape was given.

President.—If there is no provision, Government cannot maintain these roads.

Dr. A. G. Menon.—No definite provision is made but for sanitation improvements.

President.—Did you examine the Sanitation budget?

Mr. A. B. Salem.—I have examined the Sanitation budget. Page 66. It gives money only for town improvements.

Mr. V. K. Aravindaksha Menon.—These allotments have been taken for road improvements.

Mr. A. B. Salem.—I found in the Gazette that a sum of Rs. 25,000 provided in the Sanitation budget for roads have been transferred to the D.P.W. budget. That was what I read in the Gazette. I referred to the budget in my hands, and I found no amount provided for roads in the Sanitation budget. (*Hear, hear.*) All that I found was Rs. 2,000 under Kunnamkulam town improvement, Rs. 4,000 for Mattancherri, Rs. 8,500 for Ernakulam town improvement, Rs. 10,550 for Trichur town improvement, Rs. 2,000 for Trippunithura and Rs. 4,000 for Chittur—Tattamangalam.

President.—This is the amount for the four Municipalities.

Mr. A. B. Salem.—Even then it is much more than Rs. 25,000.

President.—Trichur has Rs. 2,050 extra for some other purpose.

Mr. V. K. Aravindaksha Menon.—For water purpose.

President.—Kokkalai reservoir.

Mr. A. B. Salem.—It was not explicit from the budget.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. G. Menon.—Town improvements only come in our roads, because it is one of the items. Then, how do you get Rs. 20,000?

President.—Our intention was to provide Rs. 25,000 for these trunk roads. It might not have been clearly expressed. Please take it that it is so. We are discussing things that have passed. We are also apt to commit mistakes. Why not there be a discussion, since some Municipalities are for some discussion on that point, whether we are justified, etc? Let all the Members have an opportunity for discussion in the Council. The people are keen about it.

Rama Varmha Tampuran.—A portion of the revenue should not be utilised. That is the only protest that they make.

Dr. A. R. Menon.—The Secretary to the Diwan is entirely mistaken. It is not a question like that. It is a question that the rights and privileges enjoyed by the Municipalities are going to be taken by the Government without consulting them. The second point is, it is an impossible arrangement. The Municipal Chairman will have to interfere in daily life. Suppose it is a marriage. He will have to interfere. He wants to put a *paudal*. He wants to close a road. Are we going to get the permission of the D.P.W? I have nothing to do with the D.P.W.

President.—Our point was that the roads were not kept in a proper condition. We maintain the roads on this side and that side, and this can be properly maintained by the D.P.W. There was no question of infringement of Municipal rights, but if you say that there has been no instance, it is a matter for serious consideration why the Government should set an example. I myself suggested the resumption of the trunk roads. I might say I must take the responsibility. I threw out the suggestion to the Chief Engineer that we shall do this thing. There was no previous consultation with the Municipality.

Dr. A. R. Menon.—It is a gain to the Municipality. We must be fools to protest against this.

President.—You are protesting on principle?

Dr. A. R. Menon.—On a question of impracticability. There is likely to be a clash. It has already begun in the Trichur Municipality with the water business. When one authority refuses orders, sanction is received from other authorities. We question why, wherefor, what is the necessity, explain. We do not want to be dictated to by any Department. We want an independent Municipality, or take away the Municipality. No objection.

Mr. Thomas Manjuran.—Let us have a discussion.

LIBRARY ARCHIVES Kerala Legislative Assembly

President.—Am I to say that the motion is in order? There is no opposition.

Mr. V. K. Aravindaksha Menon.—I do not object to the discussion of this question. But this I want to make clear that this sentiment is generally expressed not only by one Municipality but all the four Municipalities.

Dr. A. R. Menon.—Is this motion to be turned out?

President.—It is a matter of importance.

Mr. V. K. Aravindaksha Menon.—It is not a thing which has sprung upon the Municipality quite recently. It has been with the Municipality for the last six months. I am opposing to the discussion of this adjournment motion.

Mr. A. B. Salem.—The Hon'ble Member has only to say that he objects. We shall take the sense of the Council. No reasons need be stated at this stage.

President.—Twenty or 15?

Dr. A. R. Menon.—Twenty.

Mr. P. Krishna Menon.—May I submit one word? Assume that it is more or less with the consent of all the four Municipalities that this step has been taken.

Dr. A. R. Menon.—Certainly not.

President.—I might say that we had no previous consultation with the Municipalities.

Mr. P. Krishna Menon.—From the Proceedings it is found that communications from only two Municipalities were read.

President.—I told you the fact. The consultation was as to which part of the roads the Government might take. That is all the consultation. On the question of resumption of trunk roads for purposes of improvement, there was no consultation. The consultation was with regard to the specific roads, specific trunk roads or portion of trunk roads which might be taken up by the Government.

Mr. P. Krishna Menon.—That also has not been found from the Proceedings, because it is said "the list of trunk roads of the several Municipalities submitted by the Chief Engineer is approved", not suggested by the Council or the Chairman. The Chief Engineer suggested the trunk roads.

President.—We consulted the Municipalities in the matter. There was a consultation on this point.

Mr. V. K. Aravindaksha Menon.—The list proposed by the Chief Engineer was approved by the Municipality. It was on their suggestion.

Mr. P. Krishna Menon.—I respectfully say no. I want

LIBRARY ARCHIVES Kerala Legislative Assembly

to see the paper which will show that the list of the trunk roads, so far as the Ernakulam Munioipality is concerned, was approved by the Municipal Council of Ernakulam.

Mr. Thomas Manjuran.—Is there any definite objection?

Mr. P. Krishna Menon.—How he began was "I don't object."

President.—Those who are in favour of the motion, please stand up. You have got more than 20. I suppose you are ready to discuss it at any time. You don't want any time.

Mr. V. K. Aravindaksha Menon.—I shall get the paper to-morrow from the office.

Mr. Thomas Manjuran.—All the papers may be got.

President.—Is it to be on Friday? Government are not prepared to discuss to-day.

Mr. P. Krishna Menon.—To-morrow from 3 to 5.

Mr. V. K. Aravindaksha Menon.—I shall send a man by this evening train.

President.—Can we take it up on Friday?

Mr. P. Krishna Menon.—Friday afternoon there may not be many present.

President.—Then there is the other adjournment motion of Dr. A. R. Menon.

Mr. P. Krishna Menon.—That can be taken up to-day.

President.—But I said I had no occasion to study that subject.

Mr. C. Barton Wright.—Why could it not be taken up on Friday? Friday is a Council day.

President.—Many may go by the train. It is the last day, and many of the non-official Members might go. The Government might carry the day by a majority.

Mr. C. Barton Wright.—They should not go. They must stop here.

Dr. A. R. Menon.—It is for the President to decide whether the request of the Government is reasonable. One can understand the giving of 24 or 26 hours. Trichur is not far off. It is the duty of the Government to send special messengers, if necessary, to get the papers.

Mr. V. K. Aravindaksha Menon.—A messenger will be sent this evening.

Dr. A. R. Menon.—Send a special messenger by car instead of simply saying 'wait till Friday.' It is for the Presidena to say, not for the Government or the others. If you say that Thursday is a reasonable time, irrespective of the opinion of the gentlemen on this side or the other side, it is enough.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. B. Salem.—I rise to a point of order. The order is that there is no option to postpone the day. 'If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the Member has the leave of the Council. If no objection is taken, the President shall intimate the hour at which the motion will be taken". Not the day, but the *hour*. The motion must be taken up on the same day, and the President's option is only to intimate the *hour*. Otherwise it should say hour and day. There will be no meaning to adjourn the business to consider a question by saying let it come in the agenda of Friday or Saturday. Never mind, it was a mistake. I wanted to point out that day. That does not take away my privilege of bringing a point of order.

Diwan Bahadur Dr. V. Verghese.—The hour is fixed in the Rules.

Mr. A. B. Salem.—It is for the President to fix.

Diwan Bahadur Dr. V. Verghese.—Under Standing Order 14 (1) "the debate on a motion to discuss a matter of urgent public importance shall be taken up at 3-30 p. m., and if not earlier concluded, shall automatically terminate at 5-30 p. m., and thereafter no questions shall be put." The hour has been already fixed.

Mr. A. B. Salem.—That is if the President does not fix any particular hour.

Dr. A. R. Menon.—For your information, I might say in Madras they change the day.

Mr. P. Krishna Menon.—Here also they do it.

Mr. A. B. Salem.—"The debate on a motion to discuss a matter of urgent public importance shall be taken up at 3-30 p. m." That is in the absence of any particular hour being fixed.

Diwan Bahadur Dr. V. Verghese.—That is the practice here also.

Mr. A. B. Salem.—The Chief Medical and Sanitary Officer has no patience. What can I do ? Either you stand up or I shall stand up. What is the meaning of getting into the mouth ?

President.—The President has to fix the hour according to that rule. "The President shall intimate the hour at which the motion will be taken". Here it shall be taken up at 3-30 p. m. It is positive. It shall be taken up at 3-30. Then why should the President fix the hour ?

Mr. A. B. Salem.—I do not know what was in the minds of the rule-makers. The only meaning that I can give is, if the President wants to fix an earlier hour, he has the liberty to do so.

Mr. V. D. Ouseph.—Hour means day.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. B. Salem.—A new dictionary must be found out. The Hon'ble Member for Irinjalakkuda must have a new dictionary.

President.—Do you want my ruling on the point?

Mr. A. B. Salem.—What I submit is that the adjournment motion must ordinarily be taken up on the same day, whatever be the rule elsewhere. I have not seen the rule. Here it is said that it must be adjourned. What is the meaning of this? The adjournment motion is to adjourn the business of the day. There will be no real sense in it, if the adjournment motion is for the adjournment of the business of any other day.

President.—An adjournment motion has sprung up all on a sudden. The subject-matter and the materials may not have been studied.

Mr. Thomas Manjuran.—A point of order. The Member standing must sit when the President speaks.

Dr. A. R. Menon.—Certainly not. When the President stands, the Member should sit. When the President rises, the Member should sit.

Mr. Thomas Manjuran.—I want a ruling on that matter. When the President is speaking, can a Member stand?

Mr. T. K. Krishna Menon.—Certainly not.

Dr. A. R. Menon.—All we want is, we may change the day, but change it in such a way as to suit both of us. Give them ample time.

President.—I am not passing hasty decisions. It is not my nature. I consider all points and after that decide. The President must stand and speak. If you want me to stand and speak, I shall do so.

Mr. C. A. Kunjunni Raja.— Standing Order 17. 'A Member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the President. At any time, if the President rises, any Member speaking shall resume his seat'.

Mr. A. B. Salem.—The Hon'ble Member for Trippunittura is absolutely wrong.

President.—When I rise, you must sit. This is an informal talk. So I do not consider it as an interruption. What I want to point out is this. No doubt, there is the view that the adjournment motion when admitted must be discussed on that particular day. But there must be time for the Members to be fully prepared for discussing the adjournment motion. And as a matter of practice, we have not been observing that practice. I know the practice in other Councils, and it is not also to the effect contemplated by Mr. Salem.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. P. Kannan Nayar.—Rules also do not say.

President.—There is a controversy.

Mr. K. P. Kannan Nayar.—We have to reconcile all the rules.

President.—It is open to me to fix a day, any day I may expect to be reasonable. The only question is, send a special messenger.

Mr. V. K. Aravindaksha Menon.— By to-morrow morning, I can get.

President.—After all it is an easy thing. It is not a question whether the Government succeeds or whether we are losing. In this matter we want to take the sense of the Council. Is it a system prevailing anywhere, or should it be a matter for Cochin alone? That is the matter for our consideration, whether we should take up the roads. You know very well that the suggestion came from me. I take the responsibility for having initiated. It is not right, and if you are satisfied that the thing is wrong in principle, it is impracticable in its working, (*hear, hear,*) an opportunity for discussion will be given. So far as the Municipalities are concerned, you shall have a reference, and Friday being a closing day we shall take it up to-morrow.

The next item in the agenda is Bills.

Dr. A. R. Menon.—I have put in another adjournment motion.

President.—I was not able to consider it, for you handed it over to me only just now. I must consider it, and then only I can give you a reply.

Mr. A. B. Salem.—Sir, now that the question is over so far as the adjournment motion is concerned, I would like to point out, for your further consideration, that, under the Rules 18 to 22, the Council will be entitled to adjourn the House for an adjournment motion five times during the five days. If this ruling is in force, I say for your consideration that the Council may not have the chance of discussing more than one adjournment motion or two. Because a motion for adjournment is made, it is an urgent matter of public importance and the paper is handed over to the President under Rule 19. It is not considered that day. It is considered the next day. Then that next day's adjournment motion is gone. Suppose five papers are given for the consideration of the House. If the consideration is postponed to the next day, naturally 4 only can possibly come. It is contemplated under Rule 19 that not more than one such motion can be discussed at the same meeting and only one adjournment on the same day is possible. Therefore, the right of the Council

LIBRARY ARCHIVES Kerala Legislative Assembly

to discuss five important matters of recent occurrence should not be curtailed.

Mr. T. M. Krishna Menon.—If there are 50?

Mr. A. B. Salem.—If there are 50, 5 will be taken up. I am not at all anxious that all these adjournment motions should come, and they should be discussed. But I am pointing out to the Hon'ble Members that the postponement of the debate on the adjournment motions to another date would mean the curtailing of the little power—the so-called power—of the House.

President.—Is it a matter in regard to which I have already given my ruling? My ruling is that the adjournment motion could not be taken up the same day.

Mr. A. B. Salem.—I do not object to that.

President.—What is your point of order then?

Mr. A. B. Salem.—The consideration of the motion should be made the same day.

President.—The President says that he wants time for considering it. You cannot compel the President to make his decision at once. The President wants time to think over the matter. It is a matter of doubt. So I want time. I cannot give the decision at once.

Mr. A. B. Salem.—I am not compelling the President. That is not my purpose. What I am pointing out is that the adjournment motions are brought for the purpose of a debate on an urgent matter of public importance. The rule contemplates that. Perhaps in some cases there was no previous consideration. The matter comes up suddenly and urgently. So urgent consideration is required on the part of anybody, and urgent papers must be called for. So, if it is to be taken at leisure, I think these rules will have no value.

President.—You must also understand one thing, Mr. Salem. The President is a reasonable man. He will not, for the purpose of a discussion on an adjournment motion, resort to tricks like these. He will act reasonably. Whenever an adjournment motion comes, he cannot decide all at once. Now this adjournment motion I was able to decide upon soon, because it was sent to me while in the chambers. The other adjournment motion was handed over to me only just now.

Dr. A. R. Menon.—The rule is that after question time the paper for the adjournment motion should be handed over to the Secretary.

President.—I do not find fault with you. I could not consider the adjournment motion for want of time. It is better that these adjournment motions are handed over to me earlier, so that I might have time to think of the matter.

LIBRARY ARCHIVES Kerala Legislative Assembly

Cochin Free Compulsory Primary Education Bill.

President.—The first Bill stands in the name of Mr. K. T. Mathew.

As the Member was absent, the motion to introduce the Bill was considered withdrawn.

Cochin Thiyya Bill.

President.—The next Bill stands in the name of Mr. K. Ayyappan. He will introduce his Cochin Thiyya Bill.

Mr. K. Ayyappan.—I move that the Cochin Thiyya Bill be read in Council.

Mr. C. J. Mathew.—I second it.

Mr. A. Sankara Menon.—May I say one word in regard to that? It is a Bill affecting a vast community of the land. And all the members of the community are not going to be affected by this measure. They are governed by different rules, so far as the northern and southern parts are concerned. I, therefore, think that it will be proper to know the sense of the community before the Bill is taken up by this Council. Therefore, I would request for the postponement of this Bill to ascertain the views of the community in general on this particular Bill. I would like to know whether the Hon'ble Member has any objection to have the sense of the community ascertained before the Bill is introduced for the consideration of this House.

President.—What is your position? Have you ascertained the views of the community whom the Bill is going to affect? Had you any opportunity of knowing it?

Mr. K. P. Kannan Nayar.—It is only after the introduction of the Bill that it will be published in the Government Gazette.

President.—It is always a practice in British Legislative Councils to have a motion for circulation in such cases. But we have not got it in our Standing Orders. But in the amendments to our Standing Orders we are considering it. It is always safe. For instance, in a Bill that was introduced by Mr. V. D. Ouseph and in the case of Mr. Kannan Nayar's Child Marriage Restraint Bill, the Government have come to the conclusion that these are measures in which the sense of the community has to be ascertained. It will not be proper on the part of the Government to take a neutral attitude in such cases. The Government has also got a responsibility to see how the wishes of the people are and then assume an attitude. So, if these Bills were to come, similarly I would remind you about the postponement for obtaining the sense of the community. Unfortunately those

LIBRARY ARCHIVES Kerala Legislative Assembly